



STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

September 28, 2005 Special Meeting Minutes

**1. CALL TO ORDER**

Chair Luce called the September 28, 2005 special meeting to order at 925 Plum Street S.E., Building 4, Room 308, at 1:30 p.m.

**2. ROLL CALL**

Council members present were:

Richard Fryhling	Department of Community, Trade and Economic Development
Chris Towne	Department of Fish and Wildlife
Judy Wilson	Department of Natural Resources
Tim Sweeney	Utilities and Transportation Commission
Jim Luce	Chair

A quorum was present to conduct business.

**Staff in attendance were:**

Allen Fiksdal – EFSEC Manager, Irina Makarow – Siting Manager, Mariah Laamb – Council Secretary, Ann Essko – Council Attorney.

**Guests in attendance were:**

Darrel Peebles – Attorney; Laurie Vigue – Fish and Wildlife; Scott Williams – Puget Sound Energy; Andrew Young – Horizon Wind Energy; Matthew Burt – RES-Americas Inc.

**Guests attending via phone:**

Mike Tribble – Counsel for the Environment

**3. WILD HORSE WIND POWER PROJECT**

<b><i>Consideration of the Project Decommissioning and Site Restoration Plan (Initial Site Restoration Plan)</i></b>	<b><i>Irina Makarow, EFSEC</i></b>
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Ms. Makarow presented the September 22, 2005 Initial Site Restoration Plan submitted to EFSEC by Horizon Wind Energy for the Wild Horse Wind Power Project (Project). Ms. Makarow explained that this plan was not to be confused with the Post Construction Restoration

Plan that dealt specifically with the mitigation of temporary and permanent impacts to habitat and wildlife following construction.

Ms. Makarow reviewed the Initial Site Restoration Plan (Plan) section by section, indicating the source of the language in the Plan with respect to the requirements of the Site Certification Agreement (SCA) and Council Order No. 815 which conditionally approved transfer of the Site Certificate Agreement to PSE, and Approved of Other Assurances Pursuant to Article VIII.D.3 of the SCA.

The Plan before the Council assumes that the site certificate holder is Puget Sound Energy (PSE or Certificate Holder). EFSEC staff expected notification of the closing of the sale of the Project from Horizon Wind Energy to PSE by the date of this meeting. Such notification, however, has not yet been received. The Plan also assumes that PSE's obligation to fully decommission the Project will be a general obligation of the corporation, as the Council has approved pursuant to Council Order. No. 815.

EFSEC received comment on the Plan from the following agencies, acting as Contractors to EFSEC for the review of Wild Horse Pre-Construction Plans:

Kittitas County concurred and was in agreement with modifications made to an earlier version of the Plan as requested by EFSEC staff.

Washington Department of Fish and Wildlife (WDFW) requested that the elements of the Construction Site Restoration Plan be incorporated into the Initial Site Restoration Plan. EFSEC staff explained that such an inclusion was too detailed for the scope of the Initial Restoration Plan. However, EFSEC staff agreed that the Initial Site Restoration Plan should require that the Certificate Holder should be obligated to carry out the Post Construction Restoration Plan if the Project was suspended during construction, and language should be added to the Plan to that effect. PSE representatives responded that they agreed with such an addition to the Plan.

Ecology Central Regional Office requested that the Plan include provisions for reclamation of temporary rock and gravel quarries. EFSEC staff explained that additions to the plan in response to WDFW's recommendations would resolve Ecology's concerns.

Ms. Makarow summarized the elements that were missing to allow the Council to approve the Plan: first, transfer of Project ownership had to be completed; and second, the September 22, 2005 Plan had to be revised to incorporate the language regarding implementation of the Post Construction Restoration Plan, as well as editorial changes proposed by Councilmember Towne. Staff therefore proposed that the Council approve the Plan on condition that these two elements be completed, and that the Council delegate final approval of the Plan to the EFSEC Manager. Councilmembers also requested the opportunity to review the changes to the Plan prior to the Manager's approval.

**Motion: Councilmember Towne made the motion to conditionally approve the Initial Site Restoration Plan provided that Puget Sound Energy and Horizon Wind notify EFSEC of the conclusion of ownership transfer of the Wild Horse Wind Power Project, and that the September 22, 2005 version of the plan is edited for clarification as discussed by Council members and staff at today's meeting.**

**Councilmember Wilson proposed a friendly amendment to reflect that the Council also delegates final approval of the Plan to the EFSEC Manager without further Council action.**

**Councilmember Sweeney seconded the motion with the amendment.**

**The motion passed unanimously.**

#### 4. OTHER

<b><i>Desert Claim Wind Power Project</i></b>	<b><i>Allen Fiksdal, EFSEC</i></b>
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Mr. Fiksdal reported that enXco plans to submit an application for site certification for the Desert Claim Wind Power Project, to be located in Kittitas County. Council staff is preparing a Request for Proposals (RFP) to hire an independent consultant to review the application and other associated environmental documents.

<b><i>Kittitas Valley Wind Power Project</i></b>	<b><i>Ann Essko, EFSEC</i></b>
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Ms. Essko reported on her oral briefing on September 13, 2005 before the Appeals Court in the matter of Lathrop vs. EFSEC. A decision in that case will be forthcoming.

<b><i>Wild Horse Wind Power Project</i></b>	<b><i>Darrel Peebles, Scott Williams, PSE</i></b>
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Councilmembers reviewed the proposed construction plans for the Wild Horse Wind Power Project.

#### 5. ADJOURN

Chair Luce adjourned the meeting at 3:00 p. m.